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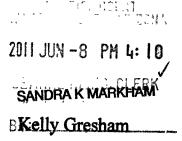
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Attorneys for STATE OF ARIZONA



IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

VS.

STEVEN CARROLL DEMOCKER,

Defendant.

CAUSE NO. P1300CR201001325

STATE'S RESPONSE TO **DEFENDANT'S REQUEST FOR** DISCLOSURE AND ORDER

Assigned to Hon. Warren R. Darrow **Division PTB** 

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned hereby objects to Defendant's Motion for Request for Disclosure dated June 2, 2011.

The Defendant has requested additional information on YCAO employee's listed by the Clerk's office as having viewed and or printed the subject documents in the OnBase system. The State attached a report from YCAO Investigator Jarrell, to its response. The Jarrell report detailed each person's duties in the County Attorney's Office and their limited involvement in viewing and or printing of the subject documents. For 9 of the 16 employees mentioned in Defendant's request for disclosure, Jarrell reported their starting date, beginning position and current position.

Defendant's request for "each employee's supervisor, which (if any) attorney each was assigned to and what division of the Yavapai County Attorney each employee was assigned to, from

## Office of the Yavapai County Attorney

July, 2008 to the present" is not relevant to the issue at bar. In its response, the State admitted the employees identified in defendant's request for disclosure viewed and or printed some of the subject documents. The information now being requested has no bearing on whether or not Defendant was prejudiced or how his sixth Amendment rights were violated.

The Defendant has not articulated with specificity how he was prejudiced by the admitted viewing and or printing of the subject documents. The scant information contained in the subject documents is known by the parties in every death penalty first degree murder case. The alleged imputed knowledge of this information to the prosecution team did not prejudice or interfere with Defendant's right to a fair trial, who by his own doing, caused the mistrial. If any party has been prejudiced in this case it is the victims.

The Defendant fails to show how the instant request for disclosure is relevant or necessary to his reply. The Jarrell inquiry was done to explain to this Court how employees access and utilize the OnBase electronic system. The question of how Defendant was allegedly prejudiced can not be answered with knowledge of employees work assignments, divisions they are assigned to or who their supervisors are.

The State objects to the Defendant's request for Disclosure and requests that the motion be summarily denied.

**RESPECTFULLY SUBMITTED** this day of June, 2011.

Sheila Sullivan Polk
YAVAPAI COUNTY ATTORNEY

Jeffrey G. Paupor

Deputy County Attorney

	1	
	2	day of June, 2011, to:
	3	Honorable Warren R. Darrow
	4	Division 6
		Yavapai County Superior Court
	5	Via email to Diane Troxell: <u>DTroxell@courts.az.gov</u>
	6	Craig Williams
	7	Attorney for Defendant
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	11	Co-counsel for Defendant
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	14	Attorney for victim
	15	Charlotte DeMocker 245 West Roosevelt, Suite A
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	17	Malady C. Harmon
	18	Melody G. Harmon Attorney for victim
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	25	
	26	By: R Jana